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And Melissa Travis*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JAMAL DAMON HENDRIX,

Plaintiff,

vs.

S. ROSE, et al.,

Defendants.

Case No. 3:19-cv-00046-MMD-WGC

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME TO FILE  
MOTION FOR SUMMARY JUDGMENT**

Defendants, Michael Adams, Eric Delafontaine, Denita Munster, Sandra Rose-Thayer and Melissa Travis, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby move this Court for a one day extension of time to file their Motion for Summary Judgment. This Motion is made and based upon the attached Points and Authorities, the papers and pleadings on file herein, and such other and further information as this Court may deem appropriate.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. ARGUMENT**

This is a pro se prisoner civil rights action brought by inmate Jamal Damon Hendrix (Plaintiff) (#1083418), asserting claims arising under 42 U.S.C. § 1983 against multiple Defendants for events that took place while incarcerated by Nevada Department of Corrections at Ely State Prison (ESP).

Pursuant to the Court's Screening Order (ECF No. 3) on the Complaint (ECF No. 5), the Court parsed the surviving allegations into nine discrete claims which fall into the following categories: (1)

1 First Amendment Retaliation (Counts 1, 2, 3, 6, 7); (2) equal protection (Counts 2, 4); deliberate  
2 indifference (Count 5); and free exercise of religion (Count 7).

3 On August 25, 2020, this Court issued a Scheduling Order, setting forth the discovery deadlines  
4 and dispositive motion deadlines. Dispositive motions were due December 23, 2020. (ECF No. 25 at  
5 4:11-13). This Court granted an extension of time until January 25, 2021 to file a dispositive motion.  
6 (ECF No. 33). The Motion is ready to file. However, the Paralegal who prepares the Exhibits for the  
7 Court's consideration is off on a mandatory furlough on January 25, 2021. Due to the current  
8 pandemic and the Governor's current pause, there is no one else who can prepare the exhibits (bate  
9 stamping) and obtain the authenticating declarations in a timely manner. Therefore, the Defendants  
10 request a **one-day** extension of time to file their Motion for Summary Judgment.

11 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

12 When an act may or must be done within a specified time, the court may,  
13 for good cause, extend the time: (A) with or without motion or notice if  
14 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

15 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for  
16 a thorough opportunity to review the case through Summary Judgment. The requested extension of  
17 time should permit the Defendants to file a well-researched and proper Motion for Summary Judgment  
18 in this case. In light of this unusual occurrence, it is respectfully asserted that a short extension is  
19 warranted.

## 20 **II. CONCLUSION**

21 Defendants asserts that the requisite good cause and extenuating circumstance is present to  
22 warrant the requested extension of time. Therefore, the Defendants requests an extension, until  
23 **January 26, 2021**, to file their Motion for Summary Judgment.

24 DATED this 25<sup>th</sup> day of January, 2021.

25 AARON D. FORD  
Attorney General

26 By: /s/ Douglas R. Rands  
27 DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General

28 *Attorneys for Defendants*

ORDER

IT IS SO ORDERED.

DATED: January 26, 2021.

*William G. Cobb*

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UNITED STATES MAGISTRATE JUDGE